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PLANNING COMMITTEE
MEETING OF APRIL 10, 2009
MINUTES

ATTENDANCE

Commissioner Spering called the Planning Committee meeting to order at 10:25 a.m. Other members in attendance were Commissioners Chu, Giacopini, Haggerty, Halsted, Lempert, MacKenzie, Rein-Worth, Rubin, Yeager, and Tissier. Commissioner Kinsey also attended.

CONSENT CALENDAR: Minutes of March 13, 2009

Commissioner MacKenzie moved approval, Commissioner Haggerty seconded. Motion passed unanimously.

TRANSPORTATION 2035: a) Proposed Final Transportation Air Quality Conformity Analysis, MTC Resolution 3891 and Proposed Final 2009 Transportation Improvement Program/Amendment #09-06, MTC Resolution No. 3875, Revised

Ms. Ashley Nguyen requested that the Committee approve and refer MTC Resolution No. 3891 and MTC Resolution No. 3875, Revised to the Commission for final action, as follows: **Resolution No. 3891** finds that the Transportation 2035 Plan and 2009 Transportation Improvement Program, including Amendment #09-06, are in conformance with the federal air quality plan for the national 8-hour ozone standard and national carbon monoxide standard and provide for the timely implementation of TCMs. **Resolution No. 3875, Revised** adopts the proposed amendments to the 2009 Transportation Improvement Program as identified in Amendment #09-06.

Commissioner Worth moved approval, Commissioner Tissier seconded. Motion passed unanimously.

2b) Proposed Final Environmental Impact Report (EIR) MTC Resolution No. 3892

Ms. Nguyen requested that the Committee approve and refer MTC Resolution No. 3892 to the Commission for final action, as follows: **Resolution No. 3892** certifies that (1) the Final EIR for the Transportation 2035 Plan has been completed in compliance with CEQA; (2) the Commission reviewed and considered the information in the Final EIR prior to considering the proposed Transportation 2035 Plan; and (3) the Final EIR reflects the independent judgment and analysis of the Commission.

She noted that staff responded to comments in full in the final EIR, and noted for the record staff's disagreement with the comments. In particular: 1) it is infeasible to shift committed funds to other projects because TIP projects have already been vetted through rigorous and multi-level local and regional processes – MTC has no authority to modify county transportation self-tax expenditure plans that have gone through

extensive administrative proceedings and special elections; 2) regional operational programs such as TransLink® and 511 assume extensions of contracts to keep them viable; and 3) the Commission's current commitments to long-term strategies, such as Resolution 3434, requires ongoing support to bring the projects to full implementation. She also stated that the "No-Project" definition, as defined in the EIR, meets the CEQA requirements, includes the existing system as well as foreseeable transportation projects that would occur with or without the Plan.

Commissioner Sperling called for public comment:

- Mr. David Schonbrunn, TRANSDEF, expressed his disagreement with staff's response to TRANSDEF comments, specifically on the issue of the validity of the No-Project alternative. He believes that MTC is using the wrong CEQA guideline to define the No-Project. He also objected to a statement in staff's report that states "the report provides the technical support for MTC's decision to not vary infrastructure packages between alternatives, but instead to vary policy approaches such as land use and pricing which have much stronger affect". He noted that this principle has not actually been demonstrated.

Commissioner Mackenzie moved approval, Commissioner Lempert seconded. Motion passed unanimously.

2c) Proposed Final Transportation 2035 Plan, MTC Resolution No. 3893

Ms. Nguyen summarized the proposed revisions to the Draft Transportation 2035 Plan, which are noted in MTC Resolution No. 3893. The Draft Transportation 2035 Plan, along with these proposed revisions, constitute the *Proposed Final Transportation 2035 Plan*. Following adoption of the Final Plan, MTC staff will revise the Draft Plan and publish a Final Plan by July 2009.

Ms. Nguyen requested that this Committee approve and refer MTC Resolution No. 3893 to the Commission for final action, as follows: **Resolution No. 3893** adopts the Final Transportation 2035 Plan for the San Francisco Bay Area.

Commissioner Sperling called for public comment:

- Mr. David Schonbrunn, TRANSDEF, stated that this plan does not commit to moving in the direction of reducing greenhouse gas emissions - it lays out the ground work for it, but there is no conclusion. He also stated that the increase in transit operating shortfalls calls the Commission to change its investment strategies. Finally, he stated that this RTP contains the same policies as the 1994 RTP.
- Mr. Andrew Casteel, Bay Area Bicycle Coalition, urged the Commission to prioritize the spending on bicycle facility improvements, as many of them can be built quickly and will provide reductions in VMT and greenhouse gas emissions. He also urged MTC to work with the local counties in setting the funding priorities and the equitable division of revenues from the Regional HOT lanes before committing them to any projects. Lastly, he thanked MTC for committing to study transit sustainability on the regional level. He urged MTC to consider the impact of proposed policy changes on all transit riders and include all stakeholders in the study's review and advisory committee.

- Ms. Janny Castillo, BOSS, asked the committee to consider the impact that their decisions have on the low-income community as the funding for public transportation is significantly reduced over the next five years by lower tax revenues.
- Ms. Kirsten Schwind, Bay Localize, expressed her concern with the staff report that it is not doing enough to meet the goals for greenhouse gas reductions. Staff needs to move much more aggressively to stabilize the climate - greenhouse gas emissions need to be reduced 40% below 1990 levels by 2020. She stated that it is important to fund current transit operations, which is one of the main ways to reduce VMT. She also expressed concern about the process for allocating HOT lane revenue - it is premature to be allocating the money without a good public process, and staff needs to make a firm commitment to fund transit operations, insure that there is regional equity in how the funds are used.
- Mr. Bob Allen, Urban Habitat, commented on the transit sustainability project and stated that it is necessary, but not sufficient. He encouraged staff to look at the San Francisco MTA's recent analysis of its own transit system. He also stated that staff needs to re-assess prior project commitments and determine whether those funds should be re-allocated to other programs or projects. He mentioned that there should be more analysis to determine when HOT lane net revenue would be available, and there should be more stakeholder outreach through project implementation.
- Mr. Michael Diehl, BOSS, stated that as the bus systems raise their fares the low-income community are unable to take transit. He suggested hiring low-income individuals to build RTP projects so they can get off the streets.
- Ms. Carli Paine, TransForm, opposed staff's recommendation to direct \$2 billion from future anticipated HOT revenue to VTA. She also stated that there isn't any information from MTC that shows how much revenue each corridor will be generating, or what will be associated with which county. She expressed her support for the transit sustainability study, and also commented on the draft RTP Chapter 5 revisions; she stated that the importance of land use and pricing is not reflected enough in the language, and the language about advocates not being able to bring up issues of committed projects is unfortunate and should be deleted.

Mr. Steve Heminger stated that this proposed Plan is not at all similar to the 1994 RTP because: 1) the proposed plan devotes \$6 billion of federal highway money to fill the transit capital shortfalls; 2) it includes \$1 billion regional bike network; 3) it commits over \$2 billion for the transportation for livable communities program; 4) it includes a \$5 billion cost to build out the HOT Network that will put a price on 800 miles of the freeway system; and 5) MTC's TOD Policy requires communities that receive the benefit of the rail, bus and ferry extensions in its transit expansion program to include higher housing densities around proposed station locations.

Commissioner Lempert congratulated staff of their efforts. She stated that the funding shortfalls for all the transit agencies do have to be addressed in some way. She also asked staff to address Ms. Paine's comments on directing HOT revenue upfront. Mr. Heminger stated that the HOT Network is going to take years of development. He indicated that a large fraction of the network is located in Santa Clara County, so a large fraction of the revenue will be generated in that county; since the HOT network legislative principles call for 95% of the net revenue revenues to

be returned to the corridor where it's generated, it is a reasonable 25-year planning assumption to put some of that in a reserve for the Measure A program in Santa Clara County. He also noted that if the money does not materialize it can't be spent. In addition, over the course of the HOT Network implementation, as well as over the course of the VTA Board deliberating on Measure A project delivery, the board may change their mind about which projects ought to receive net toll funding and in what amounts.

Commissioner Mackenzie moved approval, Commissioner Chu seconded. Motion passed unanimously.

Commissioner Spering also congratulated staff on their efforts, and noted that he was pleased to have overseen such an open public outreach process that generated so much comment, some of which the Commission disagreed with, but thoroughly articulated why it did disagree.

OTHER BUSINESS/PUBLIC COMMENT

Mr. David Schonbrunn, TRANSDEF, stated that TRANSDEF was served with a letter from MTC's Counsel asking the court to award MTC's legal fees to be paid by TRANSDEF. He thought the action was an inappropriate use of public funds that would prevent legal matters from being brought before courts. Commissioner Spering asked staff if MTC won in all counts of the suit; Ms. Melanie Morgan responded in the affirmative. Commissioner Spering stated that tax payer dollars are used to defend lawsuits so they should be recovered whenever possible.

There being no other business, the meeting adjourned at 11:44 a.m. The Committee's next meeting is scheduled for Friday, May 8, 2009 at 9:30 a.m. in the Lawrence D. Dahms Auditorium, Joseph P. Bort MetroCenter, Oakland, CA.